

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

DONALD C. THOMAS,

Plaintiff,

vs.

MID-MISSOURI BANK,

Defendant.

Case No. 6:10-cv-03139-ODS

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Defendant Mid-Missouri Bank (the “Bank”), by and through its undersigned counsel, provides notice of a proposed class action settlement in the above-captioned matter and states as follows:

1. This action was filed on April 20, 2010. In the complaint, plaintiff Donald C. Thomas, individually and on behalf of all others similarly situated, alleges that the Bank violated the Electronic Fund Transfer Act, 15 U.S.C. § 1693 *et seq.*, by allegedly failing to provide certain required notice of automatic teller machine fees.
2. On August 25, 2010, the Bank filed an answer to the complaint, generally denying the allegations in the complaint and any liability to plaintiff or the proposed class of plaintiffs.
3. On December 7, 2010, a Joint Motion for Preliminary Approval of Class Action Settlement was filed by the parties.
4. On December 9, 2010, an Order Granting Preliminary Approval of Proposed Class Action Settlement, Directing the Dissemination of Notice and Scheduling a Final Settlement Hearing was entered by the Court.

5. On December 23, 2010, a Joint Motion to Amend Order Granting Preliminary Approval of Proposed Class Action Settlement was filed by the parties. The motion to amend included a request by the parties that the proposed settlement agreement be amended in certain respects.

6. On December 27, 2010, an Amended Order Granting Preliminary Approval of Proposed Class Action Settlement, Directing the Dissemination of Notice and Scheduling a Final Settlement Hearing (the "Amended Order") was entered by the Court.

7. A copy of the complaint filed in this action is attached hereto as Exhibit A and is incorporated by reference. No amended complaint has been filed in the action.

8. Notice of any scheduled judicial hearing in this action is included in the Amended Order attached hereto and incorporated by reference as Exhibit B. A hearing to consider final approval of the proposed class action settlement will be held on March 21, 2011, at 1:00 p.m. at the United States Courthouse, 222 North John Q. Hammons Parkway, Springfield, Missouri 65806.

9. The notices provided to class members by the Internet, publication and posting on the ATMs concerning the class action settlement and their right to request exclusion from the settlement are attached hereto and incorporated herein by reference as Exhibit C.

10. The proposed class action settlement agreement is attached and incorporated by reference as Exhibit D. The proposed settlement agreement was modified by the Amended Order.

11. No settlement or other agreement has been contemporaneously made between class counsel and counsel for the defendants.

12. No final judgment or notice of dismissal has been entered in the action.

13. It is not feasible for the bank to provide the names of class members who reside in the state of Missouri or the estimated proportionate share of the claims of such members to the entire settlement. The bank believes that a reasonable estimate of the number of class members residing in the state of Missouri is in excess of one thousand. The bank is unable to estimate the proportionate share of the claims of the class members to the entire settlement.

14. No written judicial opinion has been issued by this Court with respect to the proposed class action settlement.

15. The bank has provided a copy of this notice with exhibits to Richard J. Weaver, Commissioner of Finance, Missouri Division of Finance, 301 West High Street, Room 630, Jefferson City, Missouri 65101; and to Chris Koster, Missouri Attorney General, Supreme Court Building, 207 West High Street, P. O. Box 899, Jefferson City, Missouri 65102. Notice of the proposed settlement of the class action was provided no later than ten (10) days after the filing of the proposed settlement, as amended, by the Amended Order entered on December 27, 2010.

Dated: January 6, 2011

SHOOK, HARDY & BACON L.L.P.

By: /s/ Todd W. Ruskamp

Todd W. Ruskamp, #38625

Clay T. Norkey, #51328

2555 Grand Blvd.

Kansas City, MO 64108-2613

Telephone: 816.474.6550

Facsimile: 816.421.5547

ATTORNEYS FOR DEFENDANT
MID-MISSOURI BANK

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 6, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Evan D. Buxner
The Buxner Law Firm of Counsel
to Walther/Zwibelman Law Associates
230 South Bemiston Avenue, Suite 500
Clayton, MO 63105

R. Bruce Carlson
Gary F. Lynch
Stephanie K. Goldin
Carlson Lynch LTD
231 Melville Lane
P.O. Box 367
Sewickley, PA 15143

This Notice of Proposed Class Action Settlement was further provided by Federal Express, priority overnight delivery, on January 6, 2011, to the following:

Richard J. Weaver
Commissioner of Finance
Missouri Division of Finance
301 West High Street, Room 630
Jefferson City, MO 65101
Phone: 573.751.2562

Chris Koster
Missouri Attorney General
Supreme Court Building
207 West High Street
Jefferson City, MO 65102
Phone: 573.751.3321

/s/ Todd W. Ruskamp
Attorney for Defendant